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April 9, 2023

By ECF

The Honorable Arun Subramanian, U.S.D.J.
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Courtroom 15A
New York, New York 10007

Re: AiDigital Operating LLC v. Kyle Kuchera et. al., Docket No. 23-cv-11076

Dear Judge Subramanian:

This firm represents Defendants and Counterclaim Plaintiffs Kyle Kuchera, Noah Held, Michael Burns, Mavern Marketing LLC, and Kuchera/Held LLC (collectively "Defendants"), in the above-referenced action. We request leave (admittedly after-the-fact) to serve our responses to Plaintiff AiDigital ("AiDigital") Operating LLC's Requests for Admission one day late.

I made an error in calculating the return date on the Requests for Admission issued by AiDigital. served on March 6, at 7:24 pm. Instead of marking the return date of April 5, I marked April 6, which is a Saturday, and submitted our Responses yesterday, on Monday, April 8.

When we served our Responses on AiDigital's counsel yesterday, AiDigital's counsel informed us that they would object to any extension. See attached email exchange and letter.

[This was an administrative mistake and we respectfully request that our one-day delay in serving the RFA Responses be excused.](#) We acknowledge that we are seeking this relief after the deadline, but we suggest that there is no prejudice to AiDigital and severe and unfair prejudice to Defendants if my one-day error is not excused.

We appreciate Your Honor's time and consideration.

Application granted. Defendants explained that they made a minor error in calculating the return date for the RFAs, which provides good cause for granting the short extension request. Plaintiff will be expected to cooperate in good faith in the future to resolve disputes of this nature without the Court's intervention.

The Clerk of Court is directed to terminate the motion at Dkt. 92.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: April 9, 2024

Respectfully submitted,

ROMANO LAW PLLC

By: /s/ David Fish

David Fish (Lead Trial Attorney)